

Applicant: Bicek et al.
Application Serial No.: 09/974,653
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REMARKS

Reconsideration of the application is respectfully requested.

Claims 17-20, 22-27 and 39-55 are in the application. Through this Amendment, previously-withdrawn claims 1-16 and 28-38 have been canceled. Claim 17 has been amended to incorporate the limitation of previous claim 21, and, accordingly, claim 21 has been canceled. Claims 22 and 24 have been amended to change their dependency. New claims 40-55 have been added, with claims 40 and 48 being independent claims. New claim 40 is a combination of previous claims 17 and 18, while new claim 48 is previous claim 17 with a limitation taken from previous claim 23.

In the Official Action, the Examiner rejected claims 19 and 20 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserted that it is unclear how a sheath may be disposed radially inwardly or outwardly of the main stent.

In response, reference is made to paragraphs 26 and 28 of the subject Specification. As indicated therein, "[a]s shown in Figure 3, the sheath is concentrically disposed relative to the stent 10 (as shown in Figure 3 disposed, for example, radially outwardly)". In other words, the

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sheath is located about the main stent. As noted in paragraph 28, and shown in Figure 4, a sheath may also be located radially inwardly of the main stent. Paragraph 37 of the subject Specification further indicates that "multiple sheaths 28 may be disposed internally and/or externally" of the embodiment shown in Figure 5. It is respectfully submitted that claims 19 and 20 are understandable from the subject Specification and are in accord with 35 U.S.C. §112.

Claims 17-18, 21-24 and 39 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Von Oepen et al. (U.S. Patent No. 5,916, 264).

Van Oepen et al. is directed to a stent graft which includes two (2) coaxial stents 11 and 12 separated by an expandable material layer 13. The material layer 13 overlaps only part of the stents 11, 12. (Col. 2, lines 26-27). Also, the stents 11 and 12 are connected in their end regions. (Col. 1, lines 45-50; col. 2, lines 27-29; col. 2, lines 52-54). With the material layer 13 partially overlapping the stents 11, 12, and the stents 11, 12 being connected in their end regions, it is clear that the two stents 11, 12 are in contact. It must be noted that the Figure of Van Oepen et al. is a "partially sectioned perspective view" which does not show the full product. (Col. 2, lines 11-13).

Claims 17, 40 and 48, all of the independent claims of the subject application, are each directed to a covered stent including "a main stent having a radially-expandable body" and "at

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least one support stent" with a sheath "interposed between said body and said at least one support stent". Further, the claims state that "no portions of said main stent being in contact with said at least one support stent". In contrast, the stents 11, 12 of the Von Oepen et al. device are only partially overlapped by the material layer 13 and are connected at their end regions. As such, the stents 11, 12 are in contact. There is no disclosure or suggestion in Von Oepen et al. to provide the material layer 13 along the full length of the device or to avoid end connections between the stents. It is respectfully submitted that claims 17, 40 and 48, along with dependent claims 18-20, 22-24, 39, 41-47 and 49-55, are patentable over Von Oepen et al.

The Examiner also rejected claims 17 and 39 under 35 U.S.C. §102(b) as being allegedly anticipated by Love (U.S. Patent No. 5,865,723).

Original claims 18-24 were not rejected in view of Love. Claim 17 has been amended to include the limitation of previous claim 21, while claim 40 has been written to include the limitations of previous claims 17 and 18, and claim 48 has been written to include previous claim 17 and a limitation from previous claim 23. It is respectfully submitted that all of the present claims are patentable over Love.

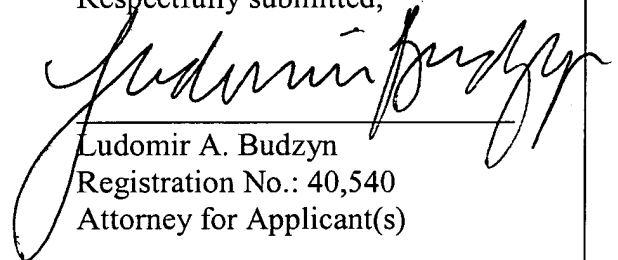
For the record, claims 25-27 have not been canceled and are presently pending in the application. These claims were previously withdrawn in view of an election requirement. With

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an indication of allowance of claim 17, it is respectfully submitted that claims 25-27 should be re-entered into the application and also allowed.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,



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